

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

IN RE: ROUNDUP PRODUCTS
LIABILITY LITIGATION

This document relates to:

Hardeman v. Monsanto, 3:16-cv-00525-VC

MDL No. 2741

Case No. 16-md-02741-VC

**PRETRIAL ORDER NO. 144:
ORDER REGARDING OBJECTIONS TO
FORM OF JUDGMENT**

Dkt. Nos. 3272, 3350

Monsanto is correct that it is unnecessary and potentially confusing to include language about appealability. However, the Court declines to exercise its discretion to grant Monsanto's request for a stay of enforcement pending appeal. *See Max Sound Corp. v. Google LLC*, No. 5:14-cv-04412-EJD, 2019 WL 480544, at *1-2 (N.D. Cal. Feb. 7, 2019) (quoting *Dillon v. City of Chicago*, 866 F.2d 902, 904-05 (7th Cir. 1988)). Finally, although Monsanto did not raise it, the post-judgment interest rate contained in the proposed judgment is legally incorrect. *See AT&T Co. v. United Comp. Sys., Inc.*, 98 F.3d 1206, 1209 (9th Cir. 1996) ("In diversity actions, state law determines the rate of prejudgment interest, and postjudgment interest is governed by federal law."); *see also Fid. Fed. Bank, FSB v. Durga Ma Corp.*, 387 F.3d 1021, 1023-24 (9th Cir. 2004). The federal interest rate applies to this judgment. *See* 28 U.S.C. § 1961.

The Court will enter judgment in accordance with this order.

IT IS SO ORDERED.

Date: May 3, 2019



Honorable Vince Chhabria
United States District Court